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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF WASHINGTON

14 UNITED STATES OF AMERICA,)

15 Plaintiff,)

16 v.)

17 KENNETH JOHN FREEMAN,)

18 Defendant.)

NO. CR-07-6008-LRS-1

DEFENDANT FREEMAN'S
CLARIFICATIONS AND
OBJECTIONS TO PRE-
SENTENCE REPORT

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26 DEFENDANT, KENNETH JOHN FREEMAN, by and through his
27 attorney, CARL J. ORESKOVICH of ETTER, McMAHON, LAMBERSON,
28 CLARY & ORESKOVICH, P.C., submits his clarifications and objections
29 to the PSR dated February 9, 2009. By way of background, defense
30 counsel and United States Sentencing Guidelines Specialist, Brenda
31 Challinor, have discussed the PSR and Ms. Challinor has made certain
32 changes. The following is a list of objections and clarifications on issues

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2 upon which we did not agree:

3 **A. Factual Errors or Omissions**

4 1. At paragraph 26, pages 12 through 14 of the PSR, the United
5 States Probation Officer summarizes the report of interview of victim
6 KNF. The Defendant understands that the Probation Officer is merely
7 summarizing the report of the interview as related by KNF. The
8 Defendant asserts that some of the information provided by KNF, as
9 reported in paragraph 26 of the PSR, is inaccurate or untrue. The
10 Defendant has specifically admitted facts that form the factual basis for
11 his plea at paragraph 5 (pages 8 through 14 of the Plea Agreement,
12 dated December 17, 2008). The Defendant objects to factual content in
13 the reported interview contained at paragraph 26, pages 12 through 15
14 of the PSR, to the extent they are different than the factual basis for the
15 plea, at paragraph 5 of the Plea Agreement.
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17 2. Paragraph 43, page 18, again, this is a statement that is
18 attributed to victim KNF. The Defendant again asserts that he did not
19 have anal sex, nor did he take still pictures.
20

21 3. Paragraph 63, page 21, the Defendant objects to the
22 characterization that he does not appear to be able to feel empathy for
23 his victims. As will be demonstrated at the time of sentencing during the
24 Defendant's right of allocution, the Defendant is, in fact, remorseful and
25 empathic to victim KNF.
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27 4. Paragraph 88, page 24, and paragraph 96, page 25, the
28 Defendant objects to the statement that he remained at large with the aid
29 of his wife at the time. The Defendant asserts that he left the country on
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2 his own, without the assistance or aid of his wife, remained at large,
3 without the aid of his wife, and while at large contacted his wife. In
4 summary, the Defendant's flight from prosecution was without the aid or
5 assistance of his wife.
6

7 5. Paragraph 182, page 38, once the sexual abuse was
8 terminated in January, 2001, the Defendant did not make sexual remarks
9 or emotionally abuse KNF, nor did he seek to involve KNF in a casual
10 sexual encounter with an adult woman.
11

12 6. Paragraph 186, page 39, please see response to Paragraph
13 63, page 21, at paragraph 3 herein.
14

15 RESPECTFULLY SUBMITTED this 16th day of March, 2009.
16

17 ETTER, McMAHON, LAMBERSON,
18 CLARY & ORESKOVICH, P.C.
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20 By/s/ Carl J. Oreskovich
21 CARL J. ORESKOVICH, WSBA 12779
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of March, 2009, I electronically filed the following document:

**Defendant Freeman's Clarifications and Objections to
Presentence Report**

with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

Stephanie Joyce Lister
USAWAE.SListerECF@usdoj.gov

/s/Carl J. Oreskovich
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Kenneth John Freeman

[Q:\Carl\Carl's E&M Client Files\Freeman, Kenneth John (4449)\
Pleadings\Def's Clarifications and Objection to PSR.3.16.09.doc]